



UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

Bureau of Competition
Health Care Division

July 7, 2020

MEMO ENDORSED

The Honorable Denise Cote
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1910
New York, NY 10007

Re: *FTC et al. v. Vyera Pharmaceuticals, LLC et al.*, 20-cv-00706 (DLC)

Dear Judge Cote:

The Federal Trade Commission respectfully requests permission to file new versions of Plaintiffs' redacted (ECF No. 178) and sealed (ECF No. 179) Memorandum of Law in Opposition to Defendants Vyera Pharmaceuticals, LLC and Phoenixus AG's Motion to Dismiss. Plaintiffs filed this opposition yesterday, and today Your Honor granted their request to file the proposed redacted version of this opposition (ECF No. 180).

The FTC seeks to file new redacted and sealed versions of this opposition to correct a small error. In the sealed version filed yesterday (ECF No. 179), Plaintiffs highlighted in green their proposed redactions covering confidential information and designated with red boxes the proposed redactions covering information that is also restricted to outside counsel under Your Honor's March 19, 2020 Order (ECF No. 71). In this sealed version of the opposition, Plaintiffs inadvertently did not include a red box around one piece of information that is restricted to outside counsel. Correcting this error also requires a minor additional but non-substantive redaction to the public version of the opposition (ECF No. 178). Aside from correcting these errors, the new versions of the opposition are identical to the versions filed yesterday.

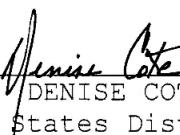
Contemporaneously with this letter and as required by Instruction 13.25 of the Electronic Case Filing Rules & Instructions, the FTC has electronically refiled these documents in their correct form and will email the relevant information to ECF_error@nysd.uscourts.gov. The FTC requests that Your Honor permit Plaintiffs to file these new versions of the opposition. The FTC also requests that Your Honor seal the previous redacted version (ECF No. 178).

Thank you for Your Honor's consideration.

Sincerely,

/s/ Markus H. Meier
Markus H. Meier

Granted. 7.09.2020.


DENISE COTE
United States District Judge